

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ELAINE M. FABER, TRUSTEE UNDER THE IRREVOCABLE TRUST OF RAYMOND FAHRNER AND VICTORIA FAHRNER, DECEASED,	:	CIVIL ACTION
	:	No. _____
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
WELLS FARGO BANK,	:	
	:	
Defendant.	:	
	:	

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant Wells Fargo Bank, (“Defendant” or “Wells Fargo”) hereby gives notice of removal of this action, captioned *Elaine M. Faber, Trustee Under the Irrevocable Trust of Raymond Fahrner and Victoria Fahrner, Deceased v. Wells Fargo Bank*, Docket No. 2014-004298, from the Court of Common Pleas of Delaware County, Pennsylvania, to the United States District Court for the Eastern District of Pennsylvania. As set forth herein, this Court has original jurisdiction over this action. As grounds for removal, Defendant states as follows:

I. STATUTORY BASIS FOR JURISDICTION

1. Removal of this action is proper under 28 U.S.C. § 1441. The Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332(a) as it is a civil action between citizens of different states with foreign citizens as additional parties in which the amount in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs.

2. The Complaint brought by Plaintiff Elaine M. Faber (“Plaintiff” or “Trustee”) includes claims for violation of the Uniform Commercial Code (“UCC”) and violations of the Pennsylvania Unfair Trade Practices and Consumer Protection Law (“UTPCPL”), 73 Pa.C.S.A. §201.1 against Wells Fargo for damages allegedly incurred by Raymond Fahrner and Victoria Fahrner (“Decedents”).

A. There Is Complete Diversity Between The Parties

3. Diversity of the parties is determined at the time that the complaint is filed. *See Freeport-McMoRan, Inc. v. K N Energy, Inc.*, 498 U.S. 426, 428 (1991).

4. As alleged in the Complaint, Plaintiff is a Trustee of the Raymond A. and Victoria A. Fahrner Irrevocable Trust and brings the current action in her capacity as trustee and as a personal representative of the Fahrner Estate. Compl. ¶ 1.

5. The Supreme Court decided in *Navarro Savings Assoc. V. Lee*, that the Court should look to the citizenship of the trustee when deciding the citizenship of a trust for purposes of diversity of citizenship. 466 U.S. 458, 464 (1980); *see also Emerald Investors Trust v. Gaunt Parsippany Partners*, 492 F.3d 192, 198 (3d Cir. 2007). This rule applies where the trustees sue in their own names, not in the name of the trust, and they hold customary powers to manage and dispose of assets. *Id.*; *see also Barbiero v. Kaufman*, 580 F. App’x 107, 111 (3d Cir. 2014) (“In a suit by or against the individual trustees of a trust, where the trustees possess certain customary powers to hold, manage and dispose of assets, their citizenship, and not that of the trust beneficiaries, is controlling for purposes of diversity of citizenship for federal diversity

jurisdiction.”). Here, the Plaintiff/Trustee, is a citizen of Florida with an address of 401 S.W. 4th Ave, Ap. 1508, Ft. Lauderdale, FL 33315.¹

6. Plaintiff therefore is, and was at the commencement of this action, a citizen of Florida for purposes of 28 U.S.C. § 1332(a)(1) and (c)(1).

7. Further, Plaintiff specifically alleges she is suing “as a personal representative of the Estate.” For purposes of diversity jurisdiction, “the legal representative of the estate of a decedent shall be deemed to be a citizen only of the same State as the decedent.” *See* 28 U.S.C.A. § 1332 (c)(2).

8. Plaintiff, in her capacity as a representative of the Estate, therefore is, and was at the commencement of this action, a citizen of the same state as the Decedents for purposes of 28 U.S.C. § 1332.²

9. Wells Fargo is a national bank. The citizenship of a national bank is determined by the location of its designated main office, as set forth in its articles of association. *Wachovia Bank, N.A. v. Schmidt*, 546 U.S. 303 (2006). Wells Fargo is a national bank having its main office in California. Therefore, Wells Fargo is a citizen of California for purposes of 28 U.S.C. §§ 1332(a)(1) and 1348. Accordingly, there is complete diversity between the parties.³

¹ Although Plaintiff fails to properly plead her citizenship in the Complaint, the Writ of Summons filed in this action on May 12, 2014 identifies her address in Florida. A true and legible copy of the Writ of Summons is attached hereto as **Exhibit 1**.

² Plaintiff fails to plead the citizenship of the Decedents; however, according to the Complaint, the account at issue was opened by the Decedent Victoria Fahrner at the Media, Pennsylvania branch of Wells Fargo. Thus, upon information and belief, the Decedents were citizens of Pennsylvania.

³ In either capacity (as Trustee or legal representative), Plaintiff’s citizenship is diverse from that of Wells Fargo’s citizenship for the purposes of establishing diversity jurisdiction under 28 U.S.C. § 1332.

B. The Amount In Controversy Requirement Is Met

10. The amount in controversy requirement also is met here. Where a complaint does not request a precise monetary amount, the district court must make an independent inquiry into the value of the claims alleged. *Angus v. Shiley, Inc.*, 989 F.2d 142, 146 (3d Cir. 1993). Further, “the general Federal rule is to decide the amount in controversy from the complaint itself.” *Id.* at 145 (citing *Horton v. Liberty Mutual Ins. Co.*, 367 U.S. 348, 353 (1961)); *Carey v. Pennsylvania Enters., Inc.*, 876 F.2d 333, 337 n.12 (3d Cir. 1989) (stating that the amount in controversy should be determined by a reasonable reading of the value of the rights being litigated).

11. Plaintiff is seeking, among other relief, recovery for \$388,313.43 worth of “forged items” allegedly drawn upon Victoria A. Fahrner’s account with Wells Fargo. Compl. ¶¶ 8-9. The amount of those items alone is sufficient to cover the amount in controversy requirement. Moreover, Plaintiff seeks other alleged monetary damages, including damages under the UTPCPL and attorneys’ fees. Compl. ¶¶ 12-13. Therefore, the action is well in excess of the \$75,000.00 monetary threshold that is set forth in 28 U.S.C. § 1332.

II. REMOVAL TO THIS JUDICIAL DISTRICT IS PROPER AND TIMELY

12. Plaintiff commenced this action on May 12, 2014, by filing a Writ of Summons in the Court of Common Pleas of Delaware County, Pennsylvania (the “Delaware County Action”). *See* Ex. 1.

13. On December 13, 2014, Plaintiff filed a Complaint in the Delaware County Action. A copy of the Complaint is attached as **Exhibit 2**. Wells Fargo was served with the Complaint on December 18, 2014. A copy of the Affidavit of Service is attached as **Exhibit 3**. As a result, this Notice of Removal is timely filed, having been filed within thirty (30) days of the date on which Wells Fargo was served with Plaintiff’s Complaint. See 28 U.S.C. §1446(b).

14. No further pleadings have been filed, and no proceedings have yet occurred in the Delaware County Action.

15. Wells Fargo files this Notice of Removal without waiving and specifically reserving, all defenses, exceptions, and motions.

III. NOTICE IS BEING SENT TO PLAINTIFF AND FILED IN STATE COURT

16. Pursuant to 28 U.S.C. § 1446(d), Defendant shall give Plaintiff written notice of the filing of this Notice of Removal.

17. Pursuant to 28 U.S.C. § 1446(d), Defendant shall file the written notice of the filing of this Notice of Removal with the Prothonotary of the Court of Common Pleas of Delaware County, Pennsylvania, attaching as Exhibit A thereto a copy of this Notice of Removal and the documents attached to this Notice of Removal.

WHEREFORE, Defendant hereby gives notice that the above-entitled state court action, formerly pending in the Court of Common Pleas of Delaware County, has been removed to the United States District Court for the Eastern District of Pennsylvania.

By: Molly Campbell
Andrew Soven (PA I.D. No. 76766)
Molly Q. Campbell (PA I.D. No. 311289)
REED SMITH LLP
Three Logan Square
1717 Arch Street
Suite 3100
Philadelphia, PA 19103
Telephone: 215-851-8100
Facsimile: 215-851-1420
mcampbell@reeds.com

*Attorney for Defendant
Wells Fargo Bank*

Dated: January 15, 2015

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 15th day of January, 2015 I caused to be served a true and correct copy of the foregoing Notice of Removal to be filed and served upon all counsel of record *via* the electronic court filing (ECF) system, and is available for viewing and downloading, and *via* U.S. First Class Mail, for the following:

John M. Gallagher, Esquire
John M. Gallagher Law Offices
117-119 N. Olive Street
Media, PA 19063

*Attorney for Plaintiff,
Elaine M. Faber, Trustee Under
the Irrevocable Trust of Raymond
Fahrner and Victoria Fahrner, Deceased*


Molly Q. Campbell

EXHIBIT 1

Supreme Court of Pennsylvania

Court of Common Pleas

Civil Cover Sheet

Delaware

County



For Prothonotary Use Only:

Docket No:

2014

FILED
PH
C.P.
PA
3:25

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

Commencement of Action:			
<input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer from Another Jurisdiction		<input type="checkbox"/> Petition <input type="checkbox"/> Declaration of Taking	
Lead Plaintiff's Name: Elaine M. Faber, Trustee		Lead Defendant's Name: Wells Fargo Bank	
<input type="checkbox"/> Check here if you are a Self-Represented (Pro Se) Litigant Name of Plaintiff/Appellant's Attorney: John M. Gallagher, Esquire			
Are money damages requested? : <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Dollar Amount Requested: (Check one) <input type="checkbox"/> within arbitration limits <input checked="" type="checkbox"/> outside arbitration limits	
Is this a <i>Class Action Suit</i> ? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

Nature of the Case: Place an "X" to the left of the ONE case category that most accurately describes your PRIMARY CASE . If you are making more than one type of claim, check the one that you consider most important.	
--	--

S E C T I O N A	TORT (do not include Mass Tort) <ul style="list-style-type: none"> <input type="checkbox"/> Intentional <input type="checkbox"/> Malicious Prosecution <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Nuisance <input type="checkbox"/> Premises Liability <input type="checkbox"/> Product Liability (does not include mass tort) <input type="checkbox"/> Slander/Libel/ Defamation <input type="checkbox"/> Other: <hr/> MASS TORT <ul style="list-style-type: none"> <input type="checkbox"/> Asbestos <input type="checkbox"/> Tobacco <input type="checkbox"/> Toxic Tort - DES <input type="checkbox"/> Toxic Tort - Implant <input type="checkbox"/> Toxic Waste <input type="checkbox"/> Other: <hr/> PROFESSIONAL LIABILITY <ul style="list-style-type: none"> <input type="checkbox"/> Dental <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional: <hr/>	CONTRACT (do not include Judgments) <ul style="list-style-type: none"> <input type="checkbox"/> Buyer Plaintiff <input type="checkbox"/> Debt Collection: Credit Card <input checked="" type="checkbox"/> Debt Collection: Other <hr/> Employment Dispute: <ul style="list-style-type: none"> <input type="checkbox"/> Discrimination <input type="checkbox"/> Employment Dispute: Other <hr/> <input checked="" type="checkbox"/> Other: negotiable instruments <hr/>	CIVIL APPEALS <ul style="list-style-type: none"> Administrative Agencies <ul style="list-style-type: none"> <input type="checkbox"/> Board of Assessment <input type="checkbox"/> Board of Elections <input type="checkbox"/> Dept. of Transportation <input type="checkbox"/> Zoning Board <input type="checkbox"/> Statutory Appeal: Other <hr/> Judicial Appeals <ul style="list-style-type: none"> <input type="checkbox"/> MDJ - Landlord/Tenant <input type="checkbox"/> MDJ - Money Judgment <input type="checkbox"/> Other: <hr/>
		REAL PROPERTY <ul style="list-style-type: none"> <input type="checkbox"/> Ejectment <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Ground Rent <input type="checkbox"/> Landlord/Tenant Dispute <input type="checkbox"/> Mortgage Foreclosure <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <hr/> <input type="checkbox"/> Other: <hr/>	MISCELLANEOUS <ul style="list-style-type: none"> <input type="checkbox"/> Common Law/Statutory Arbitration <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Mandamus <input type="checkbox"/> Non-Domestic Relations <input type="checkbox"/> Restraining Order <input type="checkbox"/> Quo Warranto <input type="checkbox"/> Replevin <hr/> <input type="checkbox"/> Other: <hr/>

CIVIL COVER SHEET AND ENTRY OF APPEARANCE
Delaware County Court of Common Pleas

1. Case Caption:

Elaine Faber, Trustee under the Irrevocable Trust
of Raymond A. Fahrner and Victoria A. Fahrner

v.

Wells Fargo Bank

2014 MAY 12	PM 3:25
OFFICE OF JUDICIAL SUPPORT DELAWARE CO. PA.	FILED

Jury
 Non-Jury
 Arbitration
(\$0-\$50,000)

2a. Plaintiff(s)

Elaine M. Faber, Trustee under the Irrevocable
Trust of Raymond Fahrner and Victoria
Fahrner, Deceased
401 S.W. 4th Ave., Apt. 1508
Ft. Lauderdale, FL 33315
(Name and address)

2b. Defendant(s)

Wells Fargo Bank
Baltimore Pike and Orange Street
Media, PA 19063
(Name and address)

3a. Related Case? Yes No
If yes, show Caption and Case Numbers

3b. Case Subject to Coordination Order? Yes No
If yes, show Caption and Date of Order

4. Entry of Appearance

To the Office of Judicial Support:

Kindly enter my appearance on behalf of Elaine M. Faber, Trustee under the Irrevocable Trust of Raymond Fahrner and Victoria Fahrner, Deceased, Plaintiff in this action. Papers may be served at the address set forth below.

John M. Gallagher, Esquire

Address: 25 West Second Street

02155

Media, PA 19063

Attorney I.D. Number

Telephone: (610) 565-4600 Fax: (610) 566-8257

E-mail: jmg@gsscd.com

May 9, 2014

Date

John M. Gallagher
Attorney Signature

Reverse side must be completed

Choose only the one description which best reflects the principal type of case or relief sought from the list.

Case Description	
APPEAL	
Minor Court	
Money Judgment	_____
Landlord and Tenant	_____
Code Enforcement	_____
Personal Injury	_____
Breach of Contract	_____
Other _____	_____
Local Agency	
Civil Service	_____
Motor Vehicle	_____
Licenses and Inspections	_____
Liquor Control Board	_____
Tax Assessment Boards	_____
Zoning Board	_____
Other _____	_____
Proceedings Commenced by Petition	
Appointment of Arbitrators	_____
Change of Name	_____
Compel Medical Examination	_____
Election Matters	_____
Eminent Domain	_____
Leave to Issue Subpoena	_____
Mental Health Proceedings	_____
Other _____	_____
CIVIL ACTIONS COMMENCED BY WRIT OR SUMMONS OR COMPLAINT	
Abuse of Process	_____
Action for Wrongful Death	_____
Class Action	_____
Confession of Judgment/Money	_____
Confession of Judgment/Real Property	_____
Contract	_____
Construction	_____
Insurance/Bad Faith	_____
Negotiable Instruments	_____
Other _____	_____
Intentional Tort	_____
Assault and Battery	_____
Libel and Slander	_____
Defamation	_____
Employment/Wrongful Discharge	_____
False Imprisonment	_____
Fraud	_____
Malicious Prosecution	_____
Negligence	_____
Motor Vehicle	_____
Real Property	_____
Premises Liability	_____
Product Liability	_____
Toxic Tort	_____
Asbestos	_____
DES	_____
Implant	_____
Toxic Waste	_____
Other _____	_____
Professional Malpractice	_____
Dental	_____
Legal	_____
Medical	_____
Other _____	_____
Equity	_____
Real Property	_____
Stockholders Derivative Action	_____
Waste Prevention	_____
Other _____	_____
Declaratory Judgment	_____
Ground Rent	_____
Mandamus	_____
Real Property	_____
Ejectment	_____
Quiet Title	_____
Mortgage Foreclosure	_____
Mechanics Lien	_____
Partition	_____
Prevent Waste	_____
Replevin	_____
Saving Action UM/UIM	_____
Quo Warranto	_____
Other _____	_____

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

ELAINE M. FABER, TRUSTEE UNDER THE IRREVOCABLE TRUST OF RAYMOND FAHRNER AND VICTORIA FAHRNER, DECEASED, 401 S.W. 4 th Ave., Apt. 1508 Ft. Lauderdale, FL 33315, <i>Plaintiff</i>	:	COURT OF COMMON PLEAS DELAWARE COUNTY, PA :
	:	NO. 14-
	:	
	:	CIVIL ACTION - LAW
	:	
	:	
WELLS FARGO BANK Baltimore Pike and Orange Street Media, PA 19063, <i>Defendant</i>	:	JURY TRIAL DEMANDED
	:	
	:	

OFFICE OF
JUDICIAL SUPPORT
DELAWARE CO. PA.

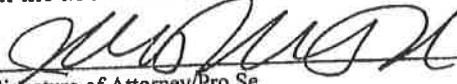
2014 MAY 12 PM 3:25

FILED

PRAECIPE FOR WRIT OF SUMMONS

TO THE OFFICE OF JUDICIAL SUPPORT:

Issue summons in civil action in the above case and forward to Sheriff or Attorney.


Signature of Attorney/Pro Se
JOHN M. GALLAGHER, Esquire
25 West Second Street, P.O. Box 900
Media, PA 19063
610-565-4600
Attorney I.D. No. 02155
Name/Address/Telephone Number of Attorney/Pro Se

Date: May 9, 2014

Attorney Supreme Court ID Number 02155

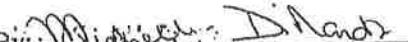
WRIT OF SUMMONS IN CIVIL ACTION

TO: Wells Fargo Bank

YOU ARE NOTIFIED THAT THE ABOVE-NAMED PLAINTIFF(S) HAS/HAVE
COMMENCED AN ACTION AGAINST YOU.

Angela L. Martinez, Director
Office of Judicial Support

Date: _____

By: 

Attested eo die a true and
correct copy of the original

EXHIBIT 2

OB

10977958
Ref#102555
12/17/14 1:29pm
068158

m person
Attorney for Plaintiff *Rita Yurchenko*
no fee

JOHN M. GALLAGHER LAW OFFICES
JOHN M. GALLAGHER, Esquire
ATTORNEY I.D. 02155
117-119 N. Olive Street
Media, PA 19063
(610) 565-9800
jmg@jmg-lawoffice.com

ELAINE M. FABER, TRUSTEE UNDER
THE IRREVOCABLE TRUST OF
RAYMOND FAHRNER AND VICTORIA
FAHRNER, DECEASED,

Plaintiff

v.

WELLS FARGO BANK,

Defendant

: COURT OF COMMON PLEAS
: DELAWARE COUNTY, PA
:
: NO. 2014-004298
:
: CIVIL ACTION - LAW
:
:
: JURY TRIAL DEMANDED
:
:

NOTICE

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by an attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

LAWYER REFERENCE SERVICE
Delaware County Bar Association
Front and Lemon Streets
P.O. Box 466
Media, PA 19063
(610) 566-6627

JOHN M. GALLAGHER LAW OFFICES
JOHN M. GALLAGHER, Esquire
ATTORNEY I.D. 02155
117-119 N. Olive Street
Media, PA 19063
(610) 565-9800
jmg@jmg-lawoffice.com

Attorney for Plaintiff

ELAINE M. FABER, TRUSTEE UNDER
THE IRREVOCABLE TRUST OF
RAYMOND FAHRNER AND VICTORIA
FAHRNER, DECEASED.

Plaintiff

v

WELLS FARGO BANK,

Defendant

: COURT OF COMMON PLEAS
: DELAWARE COUNTY, PA
:
: NO. 2014-004298
:
: CIVIL ACTION - LAW
:
:
: JURY TRIAL DEMANDED

FILED

COMPLAINT

1. Plaintiff Elaine Faber is the Trustee of the Raymond A. and Victoria A. Fahrner Irrevocable Trust, and is the duly appointed Personal Representative of the Estate of Victoria A. Fahrner, deceased, having been so appointed by Order of the Court of Common Pleas of Delaware County, Pennsylvania, Orphans' Court Division, Cronin, President Judge, as of No. 031-2012 in an Order dated May 7, 2012 and by Order of the Court of Common Pleas of Delaware County, Pennsylvania, Register of Wills, Hugh A. Donaghue, Esquire dated September 11, 2012 granting Elaine Faber Letters of Administration. A true and correct copy of the Raymond A. and Victoria A. Fahrner Irrevocable Trust is not attached hereto as an exhibit because it is too lengthy, but will be made available upon request to any interested party.

Plaintiff brings this action in both her capacity as Trustee of the Trust and as personal

{00266589 %VERSION}

representative of the Estate.

2. Defendant Wells Fargo Bank is a bank doing business at 217 West Baltimore Pike, Media, Pennsylvania 19063.

3. During her life Victoria A. Fahrner, one of the settlors of the Raymond A. and Victoria A. Fahrner Irrevocable Trust, maintained a checking account with Defendant, being account no. 1010058254172.

**COUNT I—VIOLATIONS OF THE UNIFORM COMMERCIAL CODE
(Negotiable Instruments and Bank Deposits and Collections), 13A P.C.S.A.**

4. Paragraphs 1 through 3 of Plaintiff's Complaint are here incorporated by reference.

5. During her life Victoria A. Fahrner was also known as Vicki A. Fahrner.

6. As part of opening the above account with Defendant, Victoria A. Fahrner gave to Defendant a signature card with her own lawful signature upon it.

7. Thereafter, and for a period of many months which Plaintiff believes and therefore avers was in excess of several years, Victoria A. Fahrner, a/k/a Vicki A. Fahrner, signed her signature upon many checks and other items which she drew upon her account no. 1010058254172, which made or should have made Defendant and Defendant's employees familiar with the true and correct signature of Victoria A. Fahrner, a/k/a Vicki A. Fahrner.

8. During her life, in spite of having become familiar with the true and correct signature of Victoria A. Fahrner, Defendant nevertheless honored for payment and paid numerous items drawn upon Victoria A. Fahrner's account, which items bore not the true and correct signature of Victoria A. Fahrner, but rather, signatures which were forgeries of Victoria

A. Fahrner's signature.

9. The forged items referred to in the immediately preceding paragraphs total \$388,313.43. Copies of the forged items are too numerous to attach hereto, but an adding machine tape adding each of the forged items and totaling \$388,313.43 is attached hereto as Exhibit "A" and is here incorporated by reference.

WHEREFORE, Plaintiff demands judgment against Defendant in the amount of \$388,313.43 plus costs, interest and attorney's fees as may be allowed by law.

COUNT II

**VIOLATIONS OF THE PENNSYLVANIA UNFAIR TRADE PRACTICES
AND CONSUMER PROTECTION LAW, 73 Pa.C.S.A. §§ 201.1, ff.**

10. Paragraphs 1 through 9 of Plaintiff's Complaint are here incorporated by reference.

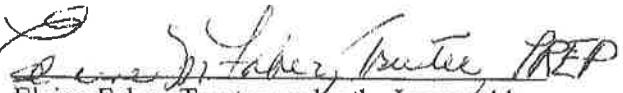
11. The foregoing constitutes deceptive behavior sanctionable under the Pennsylvania Unfair Trade Practices and Consumer Protection Law, 73 P.S. §201-1, *ff.*

12. Specifically, by holding forth to the public and to Plaintiff that the forged signatures upon the aforesaid items were the signatures of Victoria A. Fahrner when in fact they were not, constituted the engaging by Defendant in fraudulent or deceptive conduct which created a likelihood of confusion and misunderstanding.

13. The normal and customary, and therefore reasonable, rate at which Plaintiff's attorney, John M. Gallagher, Esquire, charges his clients for work comparable to the work he is doing for Plaintiff in this case, is \$450 per hour.

VERIFICATION

I, Elaine Faber, Trustee under the Irrevocable Trust of Raymond Fahrner and Victoria Fahrner, Deceased, verify that the statements made in the within Complaint are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. §4909 relating to unsworn falsification to authorities.


Elaine Faber, Trustee under the Irrevocable Trust of Raymond Fahrner and Victoria Fahrner, Deceased

Dated: 12/8/14

EXHIBIT A

Legal Order Processing Confirmation

Fax Cover Sheet

**To: Levy/Writ Processing
3684**

Send to Fax #: 1-704-427-

From: RITA YURCHENKO
Phone: (610)891-1049
Fax: (610)891-1034
AU: 68158

The information was successfully submitted on 12/17/2014 at 11:28:36 AM (Pacific Time). Your reference number is **1025557**.

Customer / Served Name: WELLS FARGO BANK
Type of Order: Levy / Writ

Please write the following on the upper right hand corner of the legal order before faxing:

Reference number **1025557**
Date and time the legal order was served
AU the legal order was served upon
How the legal order was served - either by mail or in person
Your signature
Your printed name
Fee amount received at time of service if applicable

Please fax the order with this cover page to 1-704-427-3684 and MAC the original to Levy Processing at Y1372-113.

[Log Another Legal Order](#)

EXHIBIT 3

SHERIFF'S DEPARTMENT

DELAWARE COUNTY

FRONT STREET & VETERANS SQUARE, MEDIA, PENNSYLVANIA 19063 (610) 891-4296

M.1W.R
12-17

SHERIFF SERVICE		INSTRUCTIONS
PROCESS RECEIPT, and AFFIDAVIT OF RETURN		
1. PLAINTIFF/S: ELAINE M. FABER, TRUSTEE UNDER THE IRREVOCABLE TRUST OF RAYMOND & VICTORIA FAHRNER, DECEASED		2. COURT NUMBER 14-4298
3. DEFENDANT/S: WELLS FARGO BANK		4. TYPE OF WRIT OR COMPLAINT CIVIL ACTION COMPLAINT
SERVE  AT		5. NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVICE WELLS FARGO BANK
		6. ADDRESS (Street or RFD, Apartment No., City, Boro, Twp., State and ZIP Code) BALTIMORE PIKE & ORANGE STREET, MEDIA, PA 19063
7. INDICATE UNUSUAL SERVICE: <input type="checkbox"/> REG MAIL <input type="checkbox"/> DEPUTIZE <input type="checkbox"/> POST <input type="checkbox"/> OTHER		
Now, <u>19</u> , I, SHERIFF OF DELAWARE COUNTY, PA., do hereby deputize the Sheriff of County to execute this Writ and make return thereof according to law. This deputation being made at the request and risk of the plaintiff.		
SHERIFF OF DELAWARE COUNTY		
8. SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE		
Deputy Sheriff JD-312620 Invoice No. Amount Pd. Docket # Page Pd 39.80 1 COPY		

NOTE ONLY APPLICABLE ON WRIT OF EXECUTION: N.B. WAIVER OF WATCHMAN — Any deputy sheriff levying upon or attaching any property under within writ may leave same without a watchman, in custody of whomever is found in possession, after notifying person of levy or attachment, without liability on the part of such deputy or the sheriff to any plaintiff herein for any loss, destruction or removal of any such property before sheriff's sale thereof.

9. PRINT/TYPE NAME AND ADDRESS OF ATTORNEY/ORIGINATOR

JOHN M. GALLAGHER, ESQ.
117-119 N. OLIVE ST.
MEDIA, PA 19063

10. TELEPHONE NUMBER
610-565-9800

11. DATE
12/9/14

12. SIGNATURE

13. I acknowledge receipt of the writ or complaint as indicated above.	SIGNATURE of Authorized DCSD Deputy or Clerk and Title	14. Dated/Entered	15. Expiration/Hearing date
		JD 112-94	30 day

TO BE COMPLETED BY SHERIFF

16. Served and made known to Wells Fargo Bank, Defendant(s), on the 17 day of Dec, 2014, at 1:30 o'clock, P M., at Baltimore Pike & Orange Street, Media, Street, County of Delaware.

Commonwealth of Pennsylvania, in the manner described below:

- Defendant(s) personally served.
- Adult family member with whom said Defendant(s) reside(s). Relationship is _____.
- Adult in charge of Defendant's residence.
- Manager/Clerk of place of lodging in which Defendant(s) reside(s).
- Agent or person in charge of Defendant's office or usual place of business.

Other _____

On the _____ day of _____, 19_____, at _____ o'clock, _____ M.

Defendant not found because:

- Moved
- Unknown
- No Answer
- Vacant
- Other _____

REMARKS:

RETURNED:

17. AFFIRMED and subscribed to before me this _____	18. Signature of Dep. Sheriff	19. Date 12-17-14
20. day of _____	21. Signature of Sheriff	22. Date
23. _____ Notary Public	STATE OF DELAWARE COUNTY	
MY COMMISSION EXPIRES	24. I ACKNOWLEDGE RECEIPT OF THE SHERIFF'S RETURN SIGNATURE OF AUTHORIZED ISSUING AUTHORITY AND TITLE.	
	25. Date Received <u>DEC 18 2014</u>	